

Amendment No. 1 to SB1017

Johnson  
Signature of Sponsor

**AMEND Senate Bill No. 1017\***

**House Bill No. 915**

by deleting all language after the caption and substituting instead the following:

WHEREAS, Tennessee is a right to work state; and

WHEREAS, Tennessee's right to work laws are premised on the belief in free choice whereby employees have a right to freely decide whether to join, be represented by, or financially support a union or employee organization; and

WHEREAS, the labor neutrality agreement is used as a tool to pressure company ownership and management to agree to union demands before ever approaching employees; and

WHEREAS, labor neutrality agreements have become increasingly common in recent years and need to be regulated as to their use to ensure both the employer and employee are treated in the fairest way possible; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 2, is amended to add the following as a new section:

50-1-207

(a) For purposes of this section:

(1) "Employee" means a natural person who performs services for an employer for valuable consideration, and does not include a self-employed independent contractor;

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(2) "Employer" means a person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to such employee;

(3) "Federal labor laws" means the National Labor Relations Act, compiled in 29 U.S.C. § 151 et seq., and the Labor Management Relations Act, compiled in 29 U.S.C. § 141 et seq., as amended, presidential executive orders, and federal administrative regulations relating to labor and management or employee and employer issues, and the United States Constitution as amended;

(4) "Multi-employer association" means a bargaining unit composed of independent employers who associate together to negotiate jointly with one or more labor organizations representing the employees of the independent employers within the bargaining unit;

(5) "Political subdivision" means any local governmental entity, including but not limited to, any municipality, metropolitan government, county, utility district, school district, public building authority, and development district created and existing pursuant to the laws of this state, or any instrumentality of government created by any one (1) or more of the named local governmental entities; and

(6) "State" means the state of Tennessee and its political subdivisions, agencies and instrumentalities.

(b) The state shall not pass any law, ordinance, or regulation, or impose any contractual, zoning, permitting, licensing, or other condition that requires any employer or employee to waive their rights under the National Labor Relations Act, compiled in 29 U.S.C. § 151 et seq.

(c) The state shall not enact or enforce any law, regulation, or ordinance, that would require, in whole or in part, an employer or multi-employer association to accept or otherwise agree to any provisions that are mandatory or non-mandatory subjects of collective bargaining under federal labor laws, including but not limited to, any limitations on an employer or multi-employer association's rights to engage in collective bargaining with a labor organization, to lock out employees, or to operate during a work stoppage; provided, this subsection shall not invalidate or otherwise restrict the state from requiring the use of project labor agreements to the extent permissible under federal labor laws.

(d) This section shall be interpreted and enforced consistent with the National Labor Relations Act, compiled in 29 U.S.C. § 151 et seq.

(e)

(1) Any agreement, contract, understanding, or practice, written or oral, implied or expressed, between any employer and any labor organization required in violation of this section is declared to be unlawful, null, and void, and of no legal effect.

(2) An employer or employee may seek injunctive relief in the chancery court of Davidson County to prevent the state from violating this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.